



**DEPARTMENT OF THE NAVY  
OFFICE OF THE ASSISTANT SECRETARY  
RESEARCH, DEVELOPMENT AND ACQUISITION  
1000 NAVY PENTAGON  
WASHINGTON DC 20350-1000**

MAY 17 2004

**MEMORANDUM FOR DISTRIBUTION**

**Subj: INTERIM GUIDANCE FOR TASK AND DELIVERY ORDER SOLICITATIONS  
AND CONTRACTS**

**Ref: (a) Section 843 of the National Defense Authorization Act for Fiscal Year 2004,  
Public Law 108-136  
(b) Director of Defense Procurement and Acquisition Policy memo of February 18, 2004**

Reference (a), enacted November 24, 2003, amended 10 U.S.C. § 2304a, adding the statement that the head of an agency entering into a task or delivery order contract for the procurement of property or services may provide for the contract to cover a period of not more than five years.

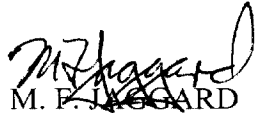
In accordance with reference (b), and the interim rule that was published in the Federal Register on March 23, 2004 amending the Defense Federal Acquisition Regulation Supplement to implement reference (a), the five-year limitation includes all options or modifications.

Task or delivery order solicitations with total periods exceeding five years and resulting task or delivery order contracts are subject to the following guidance, effective immediately:

- 1) solicitations released prior to November 24, 2003 that will be ready for contract award in Fiscal Year 2004 do not need to be modified and contracts may be awarded.
- 2) solicitations released after November 24, 2003 and before March 23, 2004 that will be ready for contract award in Fiscal Year 2004 do not need to be modified if the total period does not exceed eight years. If the total period exceeds eight years, the solicitation must be modified to limit the period to eight years, or the Secretary of the Navy's approval must be requested for a longer period.
- 3) contracts resulting from solicitations that were released on or after March 23, 2004 cannot be awarded in Fiscal Year 2004 if the total period exceeds five years.
- 4) contracts planned for award in Fiscal Year 2005 may not be awarded unless legislation extending or removing the five-year limitation is enacted by Congress. The period of these contracts must comply with the law in effect on the date of award.

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Please ensure that all Department of the Navy contracting officers and acquisition personnel under your cognizance are aware of and implement this policy immediately. The DASN(ACQ) point of contact is Mr. Clarence Belton, 703-693-4006; [clarence.belton@navy.mil](mailto:clarence.belton@navy.mil).

  
M. F. JAGGARD  
Chief of Staff/Policy  
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